

# The Communities and Regions

## Competences

### General<sup>(1)</sup>

The dividing up of competences between the federal State, the communities and regions is set by the Constitution and the laws passed by a special majority. Only the federal Parliament may change this dividing up of competences. In order to do this special majorities are required, including within each language group.

The communities and regions only have allocated competences. These are powers in competences expressly granted to them. What is not expressly allocated (= residual competences) is provisionally governed by the federal authority. After the entry into force of Article 35 of the Constitution, the residual competences will lie with the communities and regions.

These competences are exclusive. This means that a single legislator has authority for a given issue. However, some matters have been divided up into different aspects and distributed between the federal State, the communities, and the regions.

### The competences of the regions

The regions have authority for all “territory-linked” matters.

#### Territorial planning

This includes namely:

- sector plans
- planning permission and licences to divide land
- urban renovation
- protection of monuments and sites
- green areas

#### Housing policy

This includes namely:

- social housing
- combating dereliction
- specific rules concerning the letting of houses, apartments, studio flats, rooms, etc.

#### Rural development and nature conservation

This includes:

- nature protection
- forests
- hunting, fishing and fish farming

However the federal level has authority for the production, trade and possession of hunting weapons, as well as for bird trapping.

#### Environment

This includes:

- combating air, ground and water pollution
- noise pollution
- waste processing policy
- pollution caused by hazardous, unhealthy, and nuisance-causing enterprises
- financial intervention following damage caused by public disasters

However, the federal level is competent for the general standards concerning pollution and nuisance thresholds which may not be exceeded.

Its competences also extend to safety at work within hazardous companies.

#### Agriculture and fishing

This includes namely:

- agricultural policy, horticultural and fishing products and the promotion of agricultural products
- research and development
- export policy

The federal Government remains competent for the control on raw materials and vegetable products, for the security of the food chain, the animal's health and quality of animal products (the federal food agency).

#### Animal welfare

#### Water policy

This includes namely:

- purification of waste water
- production and distribution of drinking water

#### The economy

This includes namely:

- general economic policy
- assistance to companies
- conditions for establishment, except for the conditions for access to health care professions and intellectual professions providing services (lawyers, notaries, architects, ...)
- rules on commercial leases
- the activities of the “Participation Fund” and compensation for self-employed businesses which suffer inconvenience due to public works
- tourism

1 This information sheet is best read alongside information sheets 3, 5, and 6.

With regard to their economic policy, the regions must stay within the general framework of the federal economic and monetary union. The federal level is competent for finance and monetary policy, competition law, commercial law, company law, social security, etc.

### **Employment**

This includes:

- employment-finding
- providing work for people who are entitled to claim financial benefits
- verification of the availability for work of unemployed persons, and sanctions in this regard, except the competence of the federal authorities for the normative framework;
- the conditions under which unemployed people in receipt of benefits can keep their benefits, while being exempted from the obligation to be available on the labour market when they are studying, undergoing a vocational training course, as well as the decision whether to grant this exemption or not.
- the promotion of local services and jobs;
- the granting of subsidies to increase the chances of older workers finding work, and to improve their working conditions;
- the system of paid educational leave;
- the local employment agencies (LEAs)

### **Energy policy**

This includes:

- the distribution of electricity and natural gas

### **The communes, provinces, and intercommunal societies**

This includes namely:

- the composition, organisation, competence and working of the provincial and communal institutions
- the election of provincial, communal and intercommunal bodies
- the financing of the communes and provinces

### **Public works and traffic**

This includes namely:

- roads
- ports and regional airports
- urban and suburban transport
- minimum technical standards relating to road building and maintenance
- the regulation of transport of hazardous substances and unusual loads by road, apart from exceptional cases
- several aspects of road safety

### **International matters and scientific policy**

The regions may, to the extent that they fall within their competences, conclude international agreements with other States and undertake scientific research.

## **Competences of the communities**

### **Culture**

This includes namely:

- cultural heritage, museums and libraries
- radio and television offices
- sport
- support for the written press
- artistic training, continuing occupational education and training
- defending the language

### **Education**

This includes practically all aspects of education policy. The communities are also competent for setting the administrative and financial status of teaching staff.

However, the federal authority may take general measures to moderate wages. It is also competent for:

- setting the duration of compulsory school attendance
- minimum conditions for issuing qualifications
- regulations regarding pensions

### **Person-linked matters**

This includes namely:

- the protection of youth
- family and crèche policy
- policy for senior citizens and the disabled
- integrating immigrants

The Sixth State Reform also transferred several aspects of health policy to the Communities. These include:

- mental health care in care facilities outside hospitals
- care in old people's homes
- care in rehabilitation centers

Sickness and invalidity insurance is still a matter for the federal authorities.

### **Use of languages**

This includes namely:

- the use of languages in education, in administration and in the relations between employers and their staff.

The Flemish Community and the French Community are not competent in this respect for the communes (municipalities) that are subject to a special language regime.

The use of languages in these communes comes under the federal authority. The federal level is also competent for the use of languages in the bilingual Brussels-Capital Region and in the German-speaking region.

### **International matters and scientific policy**

The communities may, insofar that they come within their competences, conclude international agreements with other States and are competent for the area of scientific research.